



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

100 CHURCH STREET  
NEW YORK, NY 10007

JAMES E. JOHNSON  
Corporation Counsel

LADONNA S. SANDFORD  
Senior Counsel  
Phone: (212) 356-3156  
Fax: (212) 356-3559  
Email: lsandfor@law.nyc.gov

December 2, 2020

**VIA ECF**

Honorable Lewis J. Liman  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Michael Nieves v. Phillip Meagher, et al.  
20-CV- 0990 (LJL)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to the above-referenced case. In accordance with the Court's Order dated September 9, 2020, I write to provide the status of both plaintiff's criminal case and the instant action. See Docket Entry No. 23. Furthermore, the undersigned respectfully request that the stay be continued while plaintiff's criminal case is pending, and while plaintiff's appeal in this matter is pending.

Regarding the status of Plaintiff's criminal case, on November 30, 2020, the undersigned conducted a search of the New York State Unified Court System's eCourts: WebCriminal service. According to that service, the underlying criminal proceeding is still ongoing. Upon information and belief, plaintiff's next appearance is scheduled for February 9, 2021, in front of Judge C. Farber, Part 81 of New York Supreme Court, Criminal Term.

Regarding the status of the instant matter, plaintiff has filed a Notice of Appeal—appealing, *inter alia*, this Court's July 23, 2020 and September 9, 2020 decisions staying this matter, and the denial of *habeas corpus* relief. Upon information and belief, the appeal is currently pending in the United States Court of Appeals for the Second Circuit under Docket No. 20-3652<sup>1</sup>.

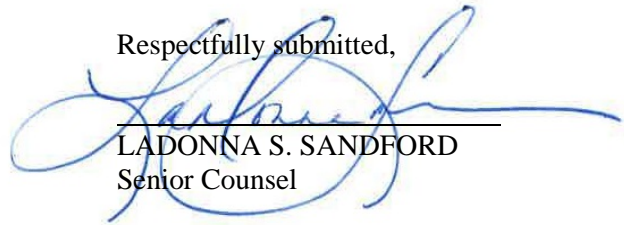
Since plaintiff's criminal matter is still pending, and for all the reasons set forth in the letter dated May 28, 2020, see Docket Entry No. 17, a continued stay of this matter is appropriate. A stay is also warranted in light of the pending appeal of this Court's Orders granting a stay. See Docket Entry Nos. 19 and 23.

---

<sup>1</sup> The Second Circuit has granted plaintiff until December 4, 2020 to submit documents relevant to his appeal.

Thank you for your consideration herein.

Respectfully submitted,



LADONNA S. SANDFORD  
Senior Counsel

cc: **BY MAIL**  
Michael Nieves  
*Plaintiff Pro Se*  
NYSID: 08896985-Z  
B&C No. 8952000392  
Bellevue Hospital Prison Ward  
462 1st Avenue  
New York, NY 10016

MEMORANDUM ENDORSED. IT IS ORDERED that this case is STAYED until March 1, 2021. IT IS FURTHER ORDERED that Defendant shall file a letter no later than March 1, 2021 informing the Court of the status of this case and of the status of Plaintiff's underlying criminal action. The Clerk of Court is respectfully directed to stay the case until March 1, 2021.


The Court is also in receipt of Plaintiff's motion, at Dkt. No. 27, seeking reconsideration of the Court's previous orders staying the case, dismissing Individual Defendants Curtis J. Farber, Cyrus R. Vance, Jr. and Brandon Riddle; denying Plaintiff's requests for preliminary injunctive relief; and denying without prejudice Plaintiff's request for appointment of counsel. The Court is not persuaded that Plaintiff has identified "matters or controlling decisions which . . . the [C]ourt has overlooked," Local Civil Rule 6.3, and which "might reasonably be expected to alter the conclusion reached by the court," *Shrader v. CSX Transp.*, 70 F.3d 255, 257 (2d Cir. 1995), as to these orders. Accordingly, Plaintiff's motion for reconsideration is denied.

In its filing at Dkt. No. 27, Plaintiff also reiterates its previous request that the Court remove the restriction of electronic access to the complaint to "case participants only." The Court notes, as it stated in a previous Order at Dkt. No. 23, that the status of the Complaint has been changed from "restricted" to "unrestricted" pursuant to Plaintiff's request at Dkt. No. 20. Exhibit 1 to the Complaint remains "restricted," as it appears to contain date of birth information of non-parties to the case. The Clerk of Court is respectfully directed to close docket numbers 27 and 30 and mail a copy of this Order to Plaintiff.

SO ORDERED.

12/3/2020

SO ORDERED.



LEWIS J. LIMAN  
United States District Judge

### DECLARATION OF SERVICE BY MAIL

I, Bernard Braun, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on December 2, 2020, I served the annexed Second Status Letter/Motion dated, December 2, 2020, upon the following plaintiff *pro se*, Michael Nieves, in the matter of Michael Nieves v. Phillip Meagher, et al., 20-CV- 0990 (LJL), by depositing a copy of same, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to plaintiff at the address set forth below, being the address designated by plaintiff for that purpose:

Michael Nieves  
*Plaintiff Pro Se*  
B&C No. 895-20-00392  
Bellevue Hospital Prison Ward  
462 1<sup>st</sup> Avenue  
New York, NY 10016

Dated: December 2, 2020



---

BERNARD BRAUN  
Paralegal  
City of New York Law Department  
Special Federal Litigation Division